

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

November 26, 2001

- C033337 THE PEOPLE v. CHIPMAN (Not for Publication)**
The judgment of conviction is affirmed.
 BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C036269 THE PEOPLE v. SIMMONS (Certified for Partial Publication)**
The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting that defendant's conviction on count II was for second degree robbery, and to send a certified copy of the amended abstract to the Department of Corrections.
 SCOTLAND, P.J.
We concur: Nicholson, J.
 Raye, J.
- C037145 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
I concur: Scotland, P.J.
I concur completely in the judgment and in the views expressed in part I of the Discussion... Raye, J.
- C038263 THE PEOPLE v. HERNANDEZ (Not for Publication)**
The judgment is affirmed.
 BLEASE, J.
We concur: Scotland, P.J.
 Nicholson, J.

November 27, 2001

- C036136 THE PEOPLE v. WILLIAMS (Not for Publication)**
The judgment is reversed.
 SCOTLAND, P.J.
I concur: Raye, J.
I respectfully dissent...
 Callahan, J.
- C036816 THE PEOPLE v. LUNA (Not for Publication)**
The judgment is affirmed.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Hull, J.

**COURT OF APPEAL
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THIRD APPELLATE DISTRICT**

2

The Minutes

November 27, 2001, continued

- C037194 THE PEOPLE v. MUNSON (Not for Publication)**
The order of probation is affirmed. The trial court is directed to amend condition four of the "special conditions of probation" to make it consistent with the oral pronouncement of judgment as follows: "4. Totally refrain from the use, control, or possession of any controlled substance unless with a current prescription or recommendation of a licensed physician pursuant to the compassionate use initiative (Health and Safety Code section 11362.5). Do not possess any narcotic paraphernalia or knowingly associate with anyone who has ever been convicted of any criminal offense involving these substances, nor anyone using or selling controlled substances, without permission of the probation officer." The trial court is further directed to forward a certified copy of the amended "special conditions of probation" to defendant and his probation officer.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C037763 THE PEOPLE v. CENNAME (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Davis, J.
 Nicholson, J.
- C031684 MERTZ v. ARTEL, INC. (Not for Publication)**
The judgment is reversed, and the case is remanded for further proceedings consistent with this opinion. Plaintiff shall recover his costs on appeal. (Cal. Rules of Court, rule 26(a).)
 KOLKEY, J.
We concur: Morrison, Acting P.J.
 Hull, J.
- C036754 LOCKE et al. v. TOWN OF PARADISE et al. and STUTTS (Not for Publication)**
Except for the letter of the Paradise Community Development Director, the requests for judicial notice are denied. The appeal from the judgment is dismissed as moot. The defendants' motion to strike matters in plaintiffs' reply brief is also denied as moot. The order after judgment awarding sanctions is vacated. The defendants' request for sanctions on appeal is denied. No party shall recover costs of appeal.
 DAVIS, Acting P.J.
We concur: Raye, J.
 Hull, J.

3

We concur: Davis, Acting P.J.
Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

November 28, 2001, continued

- C036520 THE PEOPLE v. EDSALL (Not for Publication)**
The judgment is affirmed.
 SCOTLAND, P.J.
We concur: Callahan, J.
 Hull, J.
- C037500 THE PEOPLE v. MITCHELL (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Sims, Acting P.J.
 Callahan, J.
- C036341 GEORGE v. THE MONEY STORE (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C037208 YUBA GROUP AGAINST GARBAGE et al. v. YUBA COUNTY BOARD OF
SUPERVISORS et al. and YUBA-SUTTER DISPOSAL, INC. (Not for Publication)**
The judgment is reversed and the matter remanded to the trial court with
directions to vacate its decision, set aside its peremptory writ of mandate, and
issue a new judgment denying YUGAG's petition for writ of mandate. The
County and YSDI shall recover their costs on appeal.
 SIMS, Acting P.J.
We concur: Davis, J.
 Hull, J.
- C038539 In re DEMICO C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v.
ALICE C. (Not for Publication)**
The juvenile court's order is affirmed.
 SIMS, Acting P.J.
We concur: Raye, J.
 Callahan, J.

November 29, 2001

- C036009 THE PEOPLE v. STOREY (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Scotland, P.J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

November 29, 2001, continued

- C036961 THE PEOPLE v. ROWLAND (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C032590 YUBA COUNTY FAMILY SUPPORT v. WRIGHT (Not for Publication)**
The judgment (order) is affirmed. The parties shall bear their own costs on appeal.
 KOLKEY, J.
We concur: Nicholson, Acting P.J.
 Raye, J.
- C033423 RAPID WASH, INC., et al. v. WATERCYCLE, LTD., et al. (Not for Publication)**
The judgment is affirmed. Rapid Wash shall recover costs on appeal.
 RAYE, J.
We concur: Blease, Acting P.J.
 Hull, J.
- C034163 DEPARMENT OF HEALTH SERVICES v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and McGINNIS (Certified for Publication)**
Petition denied. The alternative writ of mandate, having served its purpose, is discharged. Real party in interest Theresa V. McGinnis shall receive her costs on appeal.
 HULL, J.
We concur: Morrison, Acting P.J.
 Callahan, J.

November 30, 2001

- C033911 THE PEOPLE v. YOUNG (Not for Publication)**
The judgment is affirmed.
 DAVIS, J.
We concur: Sims, Acting P.J.
 Raye, J.
- C034690 THE PEOPLE v. MARCUS (Not for Publication)**
The judgment is affirmed.
 SIMS, Acting P.J.
We concur: Nicholson, J.
 Callahan, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

November 30, 2001, continued

- C035876 THE PEOPLE v. BIRCH III (Not for Publication)**
The judgment is affirmed in its entirety.
RAYE, J.
We concur: Davis, Acting P.J.
Hull, J.
- C036174 THE PEOPLE v. GUTHRIE (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Hull, J.
- C036587 THE PEOPLE v. SCHEXNAYDER (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Davis, Acting P.J.
Raye, J.
- C037311 THE PEOPLE v. SAYAVONG (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Hull, J.
- C038200 THE PEOPLE v. ALEXANDER, JR. (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Davis, Acting P.J.
Nicholson, J.
- C033666 BAKER v. CITY OF GALT et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal.
Thomas H. Van Dyke shall pay sanctions to Reed in the amount of \$10,000 and to this court in the amount of \$10,000, no later than 15 days after the date the remittitur is issued. This opinion shall serve as a written statement of reasons for imposing sanctions. (See *Maple Properties v. Harris* (1984) 158 Cal.App.3d 997, 1011-1012.) Pursuant to the requirements of Business and Professions Code section 6086.7, subdivision (c), the clerk of this court shall forward a copy of this opinion to the State Bar of California.
NICHOLSON, J.
We concur: Sims, Acting P.J.
Callahan, J.

7

November 30, 2001, continued

We concur: Davis, Acting P.J.
 Raye, J.

We concur: Sims, Acting P.J.
 Davis, J.

I concur in the judgment ...
Sims, J.

We concur: Sims, Acting P.J.
 Davis, J.

We concur: Nicholson, Acting P.J.
Raye, J.

We concur: Davis, J.
 Nicholson, J.

We concur: Raye, J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

November 30, 2001, continued

C036210 In re JOHN Z.; THE PEOPLE v. JOHN Z. (Certified for Publication)
The judgment (order) is affirmed.
 SIMS, J.
We concur: Scotland, P.J.
 Nicholson, J.